REMARKS

1.   Status of claims

Claims 1-32 are pending and under consideration

2.   Claim rejections under 35 U.S.C. §102

The Examiner rejected claims 2, 12, 22, and 31 under 35 U.S.C. §102(e) as being

anticipated by Ripamonti *et al.*, US 2003/0104977 ("Ripamonti"). In light of the Declaration

under 37 CFR 1.131 of James Benedict, John Ranieri, Marsha Whitney, and Rama Akella

("Inventors' Declaration") attached hereto, Applicants traverse this rejection.

Ripamonti was filed on March 31, 2000. The Inventors' Declaration indicates that the

present inventors had conceived of and reduced to practice methods of promoting natural bypass,

promoting vessel growth, or treating ischemic tissue damage, by administering a mixture of proteins

derived from bone prior to March 31, 2000. The Inventors' Declaration supplements the Akella

Declaration previously made of record in this case by indicating experiments reported in Exhibit 3

were performed prior to March 31, 2000. Therefore, Ripamonti does not qualify as prior art under

35 U.S.C. § 102(e), and this rejection of claims 2, 12, 22, and 31 should be withdrawn.

3.   Claim rejections under 35 U.S.C. § 103

The Examiner rejected claims 3-7, 13-17, and 23-27 under 35 U.S.C. § 103(a) as being

obvious over Ripamonti. In light of the Inventors' Declaration, Applicants traverse this rejection.

For the reasons stated above, Ripamonti does not qualify as prior art against the present application,

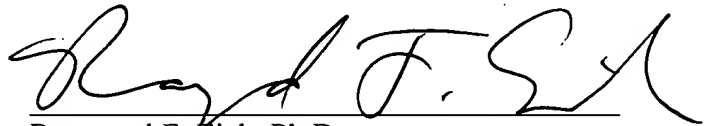and this rejection of claims 3-7, 13-17, and 23-27 should be withdrawn.

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4.   Conclusion

Applicants submit all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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